

The Board of County Commissioners of Wilson County, Kansas respectfully submit for review by the Kansas Department of Health and Environment this Proposed Wilson County Sanitary Code.

RECEIVED

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BUREAU OF WATER

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***WILSON
COUNTY
SANITARY
CODE***

**SANITARY CODE
WILSON COUNTY, KANSAS**

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SANITARY CODE
WILSON COUNTY, KANSAS

CHAPTER 1

ADMINISTRATIVE PROCEDURES

SECTION 1-1.0 AUTHORITY AND POLICY

- 1-1.1 **Legal Authority.** This code is adopted under the authority granted to the Board of County Commissioners by K.S.A. 19-3701 et seq. or K.S.A. 12-3301 et seq., as amended. This code shall be enforced pursuant to authority granted unto the Board of County Commissioners Wilson County, Kansas. Nothing herein is intended to pre-empt nor constitutes a pre-emption of similar authority conferred upon the Kansas Department of Health & Environment, separately enforcing the Water Well Construction Act. (K.S.A. 82a-1201 et seq.)
- 1-1.2 **Declaration of Finding and Policy.** The Commissioners find that the provision of adequate and reasonable control over conditions in the county is necessary and desirable. A sanitary code establishes standards to minimize the development of environmental conditions that are hazardous to health and safety, and promotes the economical and planned development of the land and water resources of the county. For these reasons and objectives, it will be the policy of the Board of County Commissioners to adopt and amend a sanitary code to provide current regulation of practices that affect health and safety.
- 1-1.3 **Purpose.** The purpose and intent of this chapter is to prescribe the administrative procedures to be followed in administering this sanitary code or any amendments thereto, and to prescribe rules

and regulations for controlling practices to minimize health and safety hazards.

1-1.4 **Title.** This code shall be known and referred to as the Wilson County Sanitary Code.

1-1.5 **Effective Date.** This code shall become effective on and after the final adoption.

SECTION 1-2.0 **DEFINITIONS:** The following words, terms and phrases appear in more than one chapter of this code and thus have general application and usage. Words, terms and phrases appropriate or applicable to specific chapters within this code may be found in that particular chapter.

1-2.1 **Administrative Agency** means the entity authorized to implement the provisions of this code.

1-2.1.1 **The Administrative Agency** for Wilson County is designated as the Wilson County Health Department.

1-2.2 **Administrative Rules** means those rules and regulations contained in Chapter 1 of this code, which prescribe general procedures, to be followed in the administration of the sanitary code adopted by the county.

1-2.3 **Agricultural Purpose:** shall mean any premises under one ownership which is used for the production of livestock or crops.

1-2.4 **Authorized Representative** means any qualified person who is recommended by the Administrative Agency, and approved by

the Wilson County Commissioners. Qualifications will be proposed by the Administrative Agency to the County Commission for approval.

1-2.5 **Board of County Commissioners** means the Board of County Commissioners of Wilson County, Kansas.

1-2.5.1 **Business** Shall mean any individual that provides a sanitary service for a profit.

1-2.6 **Hearing Committee** means a group, appointed by the County Commissioners, to hear appeals from decisions relating to the administration of this code.

1-2.7 **Person** means an individual, corporation, partnership, association, state, or political subdivision thereof, federal, state agency, municipality, commission, or interstate body or other legal entity recognized by law as the subject of rights and duties.

1-2.8 **Premises** means any lot or tract of land and all buildings, structures, or facilities located thereon.

1-2.9 **Department of Health** means the Kansas Department of Health & Environment.

SECTION 1-3.0 **ADMINISTRATIVE POWERS AND PROCEDURES**

1-3.1 **Right of Entry:** "The authorized representative of the Administrative Agency shall have the power and authority to identify specific conditions of non-compliance with the Wilson County Sanitary Code and which may present a hazard to public

health or the environment of the citizens of Wilson County. This Right of Entry does not include Right of Entry to buildings or vehicles. Buildings or vehicles may be examined with the owners or occupants permission or with a properly obtained and executed search warrant pursuant to K.S.A 22-2502, et seq., as amended."

1-3.2 **Permit and License.** Permit shall mean a written order from the Administrative Agency granting permission to construct a private wastewater system. License shall mean written authorization by the Administrative Agency to install a wastewater system or to provide a sanitary service.

1-3.2.1 **Application for Permit or License.** Every person required by this code to obtain a permit or license, shall make application for such permit or license to the Administrative Agency on standard forms provided for that purpose.

1-3.2.2 **License Requirement for Wastewater System Installer.** No person shall engage in the business of repairing or installing, any private wastewater system, unless he holds a valid Wilson County License from the Administrative Agency.

1-3.2.3 **Issuance of Permit or License.** After receipt of an application as required by this code, the Administrative Agency shall begin such investigation as deemed necessary to determine whether the permit or license should be issued or denied, and shall issue or deny the permit or license within thirty (30) days of such receipt. If the permit or license is denied, the Administrative Agency shall send the applicant a written notice and state the reasons for rejection.

1-3.2.4 **Permit Nontransferable.** No permit or license required by this code shall be transferable, nor shall

any fees required and paid therefore be refundable.

1-3.2.5 **Permit Revocation.** All permits are subject to revocation for reasons of noncompliance or misrepresentation.

1-3.2.6 **Standard Fees.** The County Commissioners may establish a schedule of fees for all permits and licenses required by this code, and said fees shall be paid into the Administrative Agency. The Administrative Agency shall not process any application for a permit or license until the required fee has been paid. (K.S.A.19-3702 reference)

1-3.3 **Notices, Orders, Appeals.**

1-3.3.1 **Notice of Violations.** When the Administrative Agency determines that there has been a violation of any provision of this code, notice of such violation shall be issued to the person responsible.

The notice shall:

- a.) be in writing;
- b.) include a statement of why the notice is being issued;
- c.) allow a reasonable period of time for performance of any work required by the notice; and
- d.) be properly served upon the owner or agent.

Such notice shall be deemed properly served when a copy thereof has been sent by registered mail to the last known address of the owner or agent.

1-3.3.2 **Appeal for Hearing.** Any person aggrieved by any notice or order issued by the Administrative Agency under the provisions of this code may request, and shall be granted, a hearing on the matter before the Hearing Committee; provided such person shall file with the Administrative Agency within ten (10) working days after the date of receipt of the notice or order, a written petition requesting a hearing and setting forth the grounds upon

which the request is made. The filing of the request for a hearing shall operate as a stay of the notice or order except in the case of section 1-3.3.4 of this code (Emergency Orders). Upon receipt of such petition, the Administrative Agency shall confer with the Hearing Committee and set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to show why such notice or order should be modified or withdrawn. The hearing shall be commenced no later than ten (10) working days after the date on which the petition was filed; provided, that upon request of the petitioner, the Administrative Agency may postpone the hearing for a reasonable time beyond such ten-day period, when in the Agency's judgment the petitioner has submitted justifiable reason for such postponement.

1-3.3.3 Report of Hearing. Within ten (10) working days after such a hearing, the Hearing Committee shall submit the findings of the hearing in writing to the Administrative Agency. The findings shall include a recommendation that the order be sustained, modified, or withdrawn. Upon the receipt of the report of the Hearing Committee, the Administrative Agency shall consider the report and issue an order, confirming, modifying or withdrawing the notice or order, and shall notify the appellant in the same manner as is provided for in Section 1-3.3.1.

1-3.3.4 Emergency Orders. Whenever the Administrative Agency finds that an emergency exists which requires immediate action to protect the public, the Administrative Agency may issue an order reciting the existence of such an emergency, specifying action be taken to meet the emergency. Such an order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

1-3.4 Records.

1-3.4.1 **Permit Applications.** Applications for permits or licenses required by this code shall be managed by the Administrative Agency.

1-3.4.2 **Official Actions.** A written record of all official actions taken on applications for permits and licenses required by this code shall be maintained by the Administrative Agency.

1-3.4.3 **Proceedings of Hearings.** The proceedings of all hearings, including findings and decisions of the Hearing Committee, together with a copy of every notice and order related thereto shall be filed with the Administrative Agency. Proceedings of hearings need not be transcribed unless a judicial review of the decision is sought.

1-3.5 **GENERAL PROVISIONS**

1-3.5.1 **Enforcement Procedure.** The County Attorney shall enforce the provisions of this code and other sanitary codes adopted by the county and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the Administrative Agency. Actions of injunction, mandamus, and quo warranto may be utilized for enforcement of these codes and shall be governed by the provisions of the Kansas Code of Civil Procedure.

1-3.5.2 **Penalties.** In addition to, and independently of, the enforcement procedures provided in Section 1-3.5.1 herein, any violation of any provision of this sanitary code shall be deemed to be a misdemeanor and punishable by a fine not to exceed two-hundred dollars (\$200) for each offense. Each day's violation shall constitute a separate offense.(K.S.A. 19-3707)

- 1-3.5.3 **Disclaimer of Liability.** This code and other sanitary codes adopted shall not be construed or interpreted as imposing upon the county or its officials or employees:
- a.) any liability or responsibility for damages to any property, or
 - b.) any warranty that any system, installation or portion thereof that is constructed or repaired under permits and inspections required by code will function properly.
- 1-3.5.4 **Separability.** If any clause, sentence, paragraph, section or subsection of this code shall for any reason be judged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, repeal or invalidate the remainder thereof, but shall be confined to the clause, sentence, paragraph, section or subsection thereof so found unconstitutional and invalid. (K.S.A. 19-3708)
- 1-3.5.5 **Supplemental Regulations or Addenda.** Changes or amendments may be proposed by the Administrative Agency for detailed construction specifications, policies and guidelines. These changes or amendments may be revised periodically to provide for the updating of standards and technology. Any change or amendment of this sanitary code shall be adopted by following the same procedure as set forth in K.S.A. 19-3704 which requires approval by County Commissioners and at least one (1) public hearing.
- 1-3.5.6 **Applicability.** The provisions of this sanitary code shall not apply to incorporated cities or to any premises under one ownership which exceeds ten (10) acres in area and which is used for agriculture purposes, unless they met a condition of 2-3.1.

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CHAPTER 2

ONSITE WASTEWATER MANAGEMENT

SECTION 2-1.0 PURPOSE AND INTENT.

Sewage is a potential source of disease and a hazard to the health, safety, and welfare of the public. It is the purpose of this chapter to provide minimum standards for the location, design, construction, maintenance, use and abandonment of on-site wastewater systems, and the removal and disposal of materials from such facilities within the legal boundaries of Wilson County.

SECTION 2-2.0 DEFINITIONS.

2-2.1 **Domestic Sewage** means sewage originating primarily from the kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks. (K.A.R. 28-16-56 a)

2-2.2 **Nuisance** means conditions or activities which have or threaten to have a detrimental effect on the health of the public or its members.

2-2.3 **Private Wastewater System.** means any system which is not required to hold a Kansas Water Pollution Control Permit. This includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks, or any combination of the above.

- 2-2.4 **Sanitary Privy** means a facility designed for the disposal of non-water carried wastes from the human body.
- 2-2.5 **Sanitary Service** means the pumping out and/or removal of sewage, sludge, or human excreta from privies, vaults, septic tanks or private wastewater systems; and the transportation and disposal of such material.
- 2-2.6 **Domestic Wastewater System** means any system along with attendant pipes and appurtenances designed and constructed to collect, store, treat or dispose of domestic wastewater.
- 2-2.7 **Vaults/Holding Tank** means a water-tight receptacle for the retention of sewage either before, during, or after treatment.

SECTION 2-3.0 **PROHIBITED PRACTICES.**

- 2-3.1 **Private Systems.** a private sewage system in use or under construction upon adoption of this code may continue to be used unless they meet a condition of a, b, c, or d.
- a.) has been enjoined as a public health nuisance by a court of competent jurisdiction; or
 - b.) discharges wastes onto the surface of the ground, or waters of the state as defined in K.S.A. 65-161(a) "Waters of the state means all streams and springs, and all bodies of surface and subsurface waters within the boundaries of the state;"
 - c.) causes excessive vector breeding, produces offensive odors or any condition that is prejudicial to health.
 - d.) receives any wastewater other than domestic wastewater.

2-3.2 Use of Wastewater Systems Within 400 Feet of Public Sewer. No private wastewater system shall be constructed within four-hundred (400) feet of the existing public sewer, unless the Administrative Agency finds that connection to such a sewer is not feasible and that a private wastewater system, meeting the requirements of this code, can be constructed on that property.

2-3.3 Location of Private Wastewater Systems Below Full/Flood Pool. No portion of a private wastewater system shall be located within the flood pool of any pond, lake, stream or reservoir unless written approval is obtained from the Administrative Agency.

2-3.4 Location of a Private Wastewater System Within 100 Feet of Well. No portion of a private wastewater system shall be located less than one-hundred (100) feet from a water well or a pump suction line from a water well, unless that portion of the wastewater system is of water-tight construction. No sanitary sewer line, regardless of construction, shall be located less than twenty (20) feet from a water well or a suction line from a domestic water well or one-hundred (100) feet from a public water supply well.

SECTION 2-4.0 REQUIREMENTS FOR PRIVATE WASTEWATER SYSTEMS.

2-4.1 Approval of Plans and Issuance of Permits. After adoption of this code no person shall install any private wastewater system until the plans and specifications for such system have been approved by, and a permit obtained from, the Administrative Agency. References (Appendix A) approved by the Kansas Department of Health and Environment shall be used as a guide by the Administrative Agency in reviewing and approving plans for private wastewater systems.

2-4.2 Suitable Site. No site shall be approved if:

- a.) connection to an approved public wastewater system is feasible or the site violates the provisions of Section 2-3.0 of this code; or
- b.) the site utilizes a private well and contains less than three (3) acres of land exclusive of roads, streets, water lines, or other public right-of-way or easements; or
- c.) the soil, topography, and geology does not meet the requirements set forth in Bulletin 2-4.
Minimum Design Standards for Septic Systems.

2-4.3 Construction Approval. All private wastewater systems developed or modified after the effective date of this code must be inspected and approved by the Administrative Agency for compliance with the approved plans; and no portion of the system shall be covered or made inaccessible to inspection prior to approval.

2-4.4 Proper Maintenance and Operation. All private wastewater systems shall be maintained in good working condition. Whenever the Administrative Agency finds any private wastewater system in violation of this code, the owner and/or user shall correct the condition.

2-4.5 Abandonment of Private Wastewater Systems. Any existing private wastewater system that is located within an Improvement District, Sewer District or other areas where public sewerage systems are so available, shall be discontinued and the building sewer shall be connected to said public sewerage systems. Connection shall include all domestic waste coming from the building. The continued use of a private wastewater system when a public sewerage system is so available, shall be deemed to be a nuisance and shall be subject to the provisions of this code.

- 2-4.5.1 Abandonment Procedures-Discontinued Private Wastewater Systems.** When a private wastewater system with a septic tank and soil absorption field is abandoned:
- a.) The building sewer is to be disconnected from the private sewerage system.
 - b.) The septic tank is to be pumped out and contents disposed of by an approved method (2-6.2).
 - c.) The septic tank is to be broken and crushed in, then backfilled with soil. The backfill is to be mounded up to allow for settlement and to prevent a low area. If the septic tank is salvageable, it may be removed and reused with the approval of the Administrative Agency.
 - d.) All sewer lines may be allowed to exist as dormant lines.

2-4.5.2 Abandonment Procedures-Waste Stabilization Ponds.

This section applies to single family waste stabilization ponds that have received domestic sewage only.

- a.) Wastewater must be discharged according to the provisions of 2-6.2. Care shall be taken to minimize the taking of fresh or untreated sewage and sewage solids within the wastewater that is removed.
- b.) Sewage solids and untreated sewage may be allowed to remain in the waste stabilization pond.
- c.) The waste stabilization pond is to be backfilled with soil from the berm dike. The soil is to be mounded up to allow for settlement and to prevent a low area.
- d.) Sewer lines going to the waste stabilization pond may be allowed to exist as dormant lines.

SECTION 2-5.0 REQUIREMENTS FOR PRIVIES.

- 2-5.1 Approval of Plans.** No person shall construct or modify or use or make available for use any privy until the plans and specifications for the proposed construction and/or modification have been approved by the Administrative Agency.

2-5.2 **Approval of Construction.** No person shall use, or make available for use, any newly constructed or modified privy until the construction has been inspected and approved by the Administrative Agency for compliance with approved plans.

2-5.3 **Proper Maintenance.** No person shall use, or offer for use, any privy that is not maintained in a clean and sanitary condition.

2-5.4 **Vault Required in Certain Areas.** In areas where the elevation of the groundwater is within six (6) feet of the top of the ground, a watertight vault shall be provided in lieu of the standard pit.

2-5.5 **Location.**

- a). No privy shall be installed less than one-hundred (100) feet from an existing well or on any premises where the static level of the ground water is less than twenty-four (24) inches below the bottom of the pit.
- b). No pit privy shall be installed or reconstructed on any premises served by a public water supply or on which water is delivered to any building under pressure, unless special permission for use of a privy is obtained from the Administrative Agency.

SECTION 2-6.0 **Sanitary Services.** No person shall engage in the business of removing, transporting, or disposal of any wastes from any private wastewater system or privy, unless he holds a valid Wilson County License from the Administrative Agency.

2-6.1 **Minimum Standards for Sanitary Service Equipment.**

All equipment used for removing, transporting, or disposal of any waste from any wastewater system or privy shall be of watertight construction and maintained in good condition to ensure that all materials removed from private wastewater

systems or privies will be transported to an approved point of

disposal without spillage of the waste.

2-6.2 **Disposal.** Waste materials removed from private wastewater systems or privies must be disposed of in a manner approved by the Administrative Agency, or by one of the following:

- a) Transported to a Public Owned Treatment Works (POTW); or
- b) Discharge upon agricultural cropland or grassland with the permission of landlord or tenant. The wastewater shall be applied in such a fashion and at such times that no surface runoff leaves the property. No discharge of such wastewater shall be permitted:
 - 1) Within one-hundred (100) feet of any water well, or
 - 2) Within fifty(50) feet of other properties, or
 - 3) Within two-hundred (200) feet of any surface water body, or
 - 4) Onto frozen or rain saturated ground, without prior approval of the Administration Agency

WILSON COUNTY, KANSAS

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CHAPTER 3

WATER SUPPLIES

SECTION 3-1.0 PURPOSE AND INTENT

The provisions of this chapter are for the purpose of regulating and controlling the development, maintenance, and use of all water supplies used for human consumption other than public supplies in Wilson County, Kansas, in order that public health will be protected and the contamination and pollution of the water resources of the county will be prevented.

SECTION 3-2.0 DEFINITIONS.

- 3-2.1 **Public Water Supply** means a system that has at least ten (10) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. (K.S.A. 65-162a)
- 3-2.2 **Semi-Public Water Supply** means a system that has at least two (2) service connections, but less than ten (10) service connections.
- 3-2.3 **Non-Public Water Supply** means all water supplies not meeting the definition of semi-public or public water supply.
- 3-2.4 **Plumbing Cross Connection** means a connection between a water supply and a source of contamination or pollution.

SECTION 3-3.0 **REQUIREMENTS FOR SEMI-PUBLIC WATER SUPPLIES FOR HUMAN CONSUMPTION**

- 3-3.1 **Permit.** No person shall construct or reconstruct a semi-public water supply subject to the regulations of this code until a permit has been obtained from the Administrative Agency.
- 3-3.2 **Approved Plans.** No permit to construct or reconstruct a water supply subject to regulations of this code shall be issued until the plans have been approved by the Administrative Agency.
- 3-3.3 **Use of Semi-Public Water Supply.** In addition to the regulation of Section 3-4.1 and Section 3-4.2 the following shall be required:
- a) An initial and at least annual total coliform analysis.
 - b) An initial and at least annual nitrate analysis;
 - c) A partial chemical analysis for common inorganic chemicals and common positive and negative charged minerals is to be done initially and every three (3) years thereafter.
 - d) Other tests, such as a fecal coliform analysis and a screen for pesticides, volatile organic chemicals and heavy metals may be required at the discretion of the Administrative Agency.

SECTION 3-4.0 **REQUIREMENTS FOR NON-PUBLIC WATER SUPPLIES.**

- 3-4.1 **Permit.** No person shall construct or reconstruct any water supply subject to regulations of this code until a permit has been obtained from the Administrative Agency.
- 3-4.2 **Approved Plans.** No permit to construct or reconstruct a water supply subject to regulations of this code shall be issued until the plans have been approved by the Administrative Agency.

3-4.3 Use Limitation.

- a) No permit for drilling a well for private water supply purposes shall be issued to any person when in the discretion of the Administrative Agency the property could be served at a reasonable cost by a public water supply.
- b) No use of surface water (lakes, ponds, or streams) as a source of water for human consumption shall be permitted:
 - 1) Unless adequate treatment is provided. In no case shall surface water be used for human consumption without filtration and disinfection, or
 - 2) Where the pond or lake receives any drainage or discharge from septic tanks or untreated sewage.
- c) Where a satisfactory ground water source is available.

SECTION 3-5.0 MINIMUM STANDARDS FOR GROUNDWATER SUPPLIES.

3-5.1 Location.

- a) All wells used as sources of water for human consumption shall be separated from the specified sources of pollution by distances equal to or greater than those shown in Table I. Such distances may be increased by the Administrative Agency to provide assurance that the well will not be contaminated.

TABLE I

<u>Area</u>	<u>Minimum</u>
<u>Separation</u>	
Subsurface absorption field for septic tank effluent.	100 ft.
Pit privy.	100 ft.
Septic tank.	100 ft.
Barnyards, stables, manure piles, animal pens, etc.	100 ft.
Streams, lakes and ponds.	50 ft.
Sewer lines, not constructed of cast iron or other equally water-tight construction.	100 ft.
Sewer lines constructed of cast iron or other equally water-tight construction.	20 ft.
Property lines.	25 ft.

b) Proper drainage in the vicinity of the well shall be provided so as to prevent the accumulation and ponding of surface water within fifty (50) feet of the well. The well shall not be located in a ravine or any other drainage area where surface water may flow into the well.

3-5.2 Cross Connection Not Allowed. Due to the potential for contamination of ground water aquifers, no person shall utilize a hose, pipe, pump or other similar link to a well to fill a stock tank, sink, pool or pesticide container without using a device for the prevention of backsiphonage or backflow.

3-5.3 Water Well Construction. The enforcement of this section of the code shall be in accordance with K.S.A. Article 12, 82a-1201 et seq. as amended and K.A.R. 28-30-1 through 28-30-10 et seq. as amended. Recommended standards for design, construction and location, shall be consistent with standards approved by the Kansas Department of Health and Environment. See Appendix A for a listing of these references.

3-5.4 Water Well Maintenance. Any water well will be plugged or repaired if:

- 1) it is in such a state of disrepair that it cannot be used to supply water, or it has the potential for transmitting surface contaminants into the aquifer or both; or
- 2) it poses potential health and safety hazards; or
- 3) it is in such a condition it cannot be placed in active or inactive status.

APPENDIX A.

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